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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 26th April, 1972:—

BILL No. 34 OF 1972

A Bill further to amend the constitution of India

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Twenty-ninth Amendment) Act, 1972.

Short
title.

2. In clause (1) of article 31A of the Constitution,—

(a) in the second proviso, for the words “within the ceiling limit applicable to him under any law for the time being in force”, the words “within the ceiling limit applicable to him under any law providing for ceiling limits” shall be substituted, and shall be deemed to have been substituted on and from the 20th day of June, 1964;

Amend-
ment of
article
31A.

(b) after the second proviso, the following Explanation shall be inserted, and shall be deemed to have been inserted on and from the 20th day of June, 1964, namely:—

Explanation.—In the foregoing proviso, the expression “law providing for ceiling limits” means law providing for ceiling limits as originally enacted or as re-enacted, whether with or without modification, from time to time, and, in any such case, where the law is amended, the law as amended from time to time.

STATEMENT OF OBJECTS AND REASONS

Under the second proviso to article 31A(1) of the Constitution, it is provided that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure provides for payment of compensation at a rate which shall not be less than the market value thereof.

2. The second proviso to article 31A(1) was intended to provide for compensation for acquisition based on market value only in respect of self-cultivated property within the ceiling limit as originally prescribed or modified later by way of re-enactment or amendment. Thus, if any law lowers the ceiling, the State is not required to pay compensation at the market value for the lands which are taken out of the ceiling limit by the amendment of the law relating to ceilings.

3. Various States have enacted land reform legislation on the basis that the ceiling limit referred to in the second proviso refers not only to the limit originally fixed under the State law but also such limits as may be fixed from time to time by any such law as subsequently amended.

4. The Bill seeks to amend the second proviso to bring out the intention clearly. In view of the land reform laws already enacted by some of the States, it is proposed to give effect to this amendment from the 20th June, 1964, the date on which the second proviso was inserted in article 31A(1) by the Constitution (Seventeenth Amendment) Act, 1964.

H. R. GOKHALE.

NEW DELHI;
The 10th April, 1972.

S. L. SHAKDHER,
Secy.